UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,711	12/18/2000	Alejandro Wiechers	10001309-1	9476

7590   04/06/2006

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EXAMINER
LETT, THOMAS J

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 February 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>21-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>21-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 December 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.	Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new grounds of rejection applied to new claims 21-40.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.	Claims 21-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka (USPN 6,522,971 B1).

With respect to claim 21, Tanaka discloses a printer selection method comprising:

receiving via a network (communication network 1, col. 4, lines 33-34) a print command (service request, col. 4, lines 34-36) and user parameters (col. 3, lines 37-45) that are to be used to select a printer (selected candidate for service station 3, col. 4, lines 37-40);

searching for a printer that satisfies the received user parameters (based on user criteria, service center 2 selects at least one printer candidate, col. 4, lines 34-40); and

forwarding the print command to a selected printer (print data is transmitted to a

printer for printing, col. 4, lines 52-56) to enable the selected printer to print a document

for a user.

With respect to claim 22, Tanaka discloses a method of claim 21, wherein

receiving a print command and user parameters comprises receiving a print command

and user parameters that were sent by the user with a network browser (user terminal

to have access to the service center through the communication network such as the

internet, col. 5, lines 10-12).

With respect to claim 23, Tanaka discloses a method of claim 21, wherein the

user parameters include at least one of a paper size and type (col. 3, lines 41-42), print

color management (col. 3, line 40), printer finishing capabilities (sorting, col. 3, line 42,

and stapling, line 43), printer resolution, printer location (service center 2 refers to the

database device based on the content of the service request from the user terminal 4 or

a location of the user terminal 4 as it relates to the service station 3, col. 4, lines 32-40),

and printer spooling speed (col. 3, line 40).

With respect to claim 24, Tanaka discloses a method of claim 21, wherein the

user parameters include printer location so as to enable selection of a printer that is

physically closest to the user (the system of Tanaka can relate the distance of a

product/service in relation to a user, col. 8, lines 14-30).

With respect to claim 25, Tanaka discloses a method of claim 21, wherein the

user parameters include time expectations that pertain to at least one of travel time for

the user between a current location and a location of a candidate printer, time required

by the candidate printer to spool, and waiting time required before the candidate printer is ready to print (the system of Tanaka performs route searching conditions such as a place of departure, a destination or relay points (a number of them may be plural), a traffic route (for example, by car or on foot), a transportation expense, a traffic density, and a necessary time to a first service station, col. 6, lines 17-28).

With respect to claim 26, Tanaka discloses a method of claim 21, wherein the user parameters include cost expectations that pertain to at least one of costs for the user to travel from a current location to a location of a candidate printer (the system of Tanaka performs route searching conditions such as a place of departure, a destination or relay points (a number of them may be plural), a traffic route (for example, by car or on foot), a transportation expense, a traffic density, and a necessary time to a first service station, col. 6, lines 17-28).

With respect to claim 27, Tanaka discloses a method of claim 21, further comprising locating a plurality of candidate printers (user terminal 4 requests various services to the service center 2 via the communication network 1. The service center 2 refers to the database device based on the content of the service request from the user terminal 4 or a location of the user terminal 4 and selects at least one candidate for the service station 3, col. 4, lines 33-38) and determining the availability of the candidate printers (the database stores the respective facilities or business conditions of the service stations, col. 3, lines 25-27).

With respect to claim 28, Tanaka discloses a method of claim 27, further comprising selecting a printer from the plurality of candidate printers (selects at least one candidate for the service station 3, col. 4, lines 33-38).

With respect to claim 29, Tanaka discloses a printing method comprising:

receiving via a network (communication network 1, col. 4, lines 33-34) a print command (service request, col. 4, lines 34-36) and user parameters (col. 3, lines 37-45) that are to be used to select a printer (selected candidate for service station 3, col. 4, lines 37-40), the print command and user parameters having been provided using a network browser (user terminal to have access to the service center through the communication network such as the internet, col. 5, lines 10-12), the user parameters including a printer location parameter (service center 2 refers to the database device based on the content of the service request from the user terminal 4 or a location of the user terminal 4 as it relates to the service station 3, col. 4, lines 32-40);

searching a plurality printers for a printer that satisfies the received user parameters (based on user criteria, service center 2 selects at least one printer candidate, col. 4, lines 34-40);

identifying at least one candidate printer that satisfies the received user pararneters (based on user criteria, service center 2 selects at least one printer candidate, col. 4, lines 34-40);

determining the availability of the at least one candidate printer (the database stores the respective facilities or business conditions of the service stations, col. 3, lines 25-27);

selecting a printer from the at least one candidate printer (selects at least one

candidate for the service station 3, col. 4, lines 33-38); and

forwarding the print command to the selected printer to enable the selected

printer to print a document for the user (print data is transmitted to a printer for printing,

col. 4, lines 52-56).

With respect to claim 30, Tanaka discloses a method of claim 29, wherein the

selected printer is the physically closest printer to the user (the system of Tanaka can

relate the distance of a product/service in relation to a user, col. 8, lines 14-30).

With respect to claim 31, Tanaka discloses a printer selection system comprising:

an assessor (service center 2, col. 3, lines 1-8) that is configured to:

receive via a network a print command and user parameters that are to be used

to select a printer (service center 2 receives user print requests via communication

network 1, col. 4, lines 33-34);

search for a printer that satisfies the received user parameters (based on user

criteria, service center 2 selects at least one printer candidate, col. 4, lines 34-40), and

forward the print command to a selected printer to enable the selected printer to

print a document for a user (print data is transmitted to a printer for printing, col. 4, lines

52-56).

With respect to claim 32, Tanaka discloses a system of claim 31, wherein the

user parameters include at least one of a paper size and type (col. 3, lines 41-42),

printer color management (col. 3, line 40), printer finishing capabilities (sorting, col. 3,

line 42, and stapling, line 43), printer resolution, printer location (service center 2 refers

to the database device based on the content of the service request from the user

terminal 4 or a location of the user terminal 4 as it relates to the service station 3, col. 4,

lines 32-40), and printer spooling speed.

With respect to claim 33, Tanaka discloses a system of claim 31, wherein the

user parameters include printer location so as to enable selection of a printer that is

physically closest to the user (service center 2 refers to the database device based on

the content of the service request from the user terminal 4 or a location of the user

terminal 4 as it relates to the service station 3, col. 4, lines 32-40).

With respect to claim 34, Tanaka discloses a system of claim 31, wherein the

assessor is further configured to locate a plurality of candidate printers and determine

the availability of the candidate printers (the database stores the respective facilities or

business conditions of the service stations, col. 3, lines 25-27).

With respect to claim 35, Tanaka discloses a system of claim 34, wherein the

assessor is further configured to select a printer from the plurality of candidate printers

(selects at least one candidate for the service station 3, col. 4, lines 33-38).

With respect to claim 36, Tanaka discloses a computing device comprising:

a printer-selection system that includes an assessor (service center 2) that is

configured to receive via a network a print command and user parameters that are to be

used to select a printer (service center 2 refers to the database device based on the

content of the service request (printing) from the user terminal 4 or a location of the user

terminal 4 as it relates to the service station 3, col. 4, lines 32-40),

search for a printer that satisfies the received user parameters (service center 2

refers to the database device based on the content of the service request from the user

terminal 4 or a location of the user terminal 4 and selects at least one candidate for the

service station 3, col. 4, lines 33-38), and

forward the print command to a selected printer to enable the selected printer to

print a document for a user (print data is transmitted to a printer for printing, col. 4, lines

52-56).

With respect to claim 37, Tanaka discloses a device of claim 36, wherein the

user parameters include at least one of a paper size and type, printer color

management, printer finishing capabilities, printer resolution, printer location (service

center 2 refers to the database device based on the content of the service request from

the user terminal 4 or a location of the user terminal 4 as it relates to the service station

3, col. 4, lines 32-40), and printer spooling speed (col. 3, line 40).

With respect to claim 38, Tanaka discloses a device of claim 36, wherein the

user parameters include printer location so as to enable selection of a printer that is

physically closest to the user (service center 2 refers to the database device based on

the content of the service request from the user terminal 4 or a location of the user

terminal 4 as it relates to the service station 3, col. 4, lines 32-40).

With respect to claim 39, Tanaka discloses a device of claim 36, wherein the

assessor is further configured to locate a plurality of candidate printers (service center 2

refers to the database device based on the content of the service request from the user

terminal 4 or a location of the user terminal 4 as it relates to the service station 3, col. 4,

lines 32-40) and determine the availability of the candidate printers (the database stores the respective facilities or business conditions of the service stations, col. 3, lines 25-27).

With respect to claim 40, Tanaka discloses a device of claim 39, wherein the assessor is further configured to select a printer from the plurality of candidate printers (service center 2 refers to the database device based on the content of the service request from the user terminal 4 or a location of the user terminal 4 and selects at least one candidate for the service station 3, col. 4, lines 33-38).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tanaka (USPN 6,789,113 B1) discloses the selection of an <u>optimum</u> printing service station in accordance with <u>diverse service demands</u>.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is (571) 272-7464. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJL

MARK WALLERSON
PRIMARY EXAMINER